

REGULAR COUNCIL MEETING DECEMBER 8, 2009

The regular meeting of the Council of the Town of Altavista was held in the Council Chambers of the Municipal Building, 510 Seventh Street on December 8, 2009 at 7:00 p.m.

1. Mayor Burgess called the meeting to order and presided.
2. Pastor Major Gilbert, Mount Obed Baptist Church, gave the invocation.

Council members

present: Mr. J.R. Burgess  
Mr. Ronald Coleman  
Mrs. Beverley Dalton  
Mr. Bill Ferguson  
Mr. Jay Higginbotham  
Mr. Michael Mattox

Council members

absent: Mrs. Rayetta Webb

Also present: Mr. J. Waverly Coggsdale, III, Town Manager  
Mr. W. Morgan Allen, Jr., Treasurer  
Mr. Dan Witt, Assistant to Town Manager  
Chief Clay Hamilton, Police Department  
Captain Kenneth Walsh, Police Department  
Sergeant J.T. Younger, Police Department  
Mr. John Tomlin, Public Works Director  
Mr. John Eller, Town Attorney  
Mrs. Mary Hall, Administration

Mayor Burgess mentioned Mr. Martin Kent, who was raised in the Altavista area, has been named as Chief of Staff for Governor-Elect Robert E. (Bob) McDonnell.

Mayor Burgess congratulated the Altavista High School football team for advancing to the state championship finals.

3. Mayor Burgess asked if there were any questions regarding the agenda and advised of two changes; Planning Commission appointment has been removed and discussion on the noise ordinance has been added.

A motion was made by Mr. Mattox, seconded by Mr. Coleman, to approve the agenda as amended.

Motion carried:

|       |                      |     |
|-------|----------------------|-----|
| VOTE: | Mr. J.R. Burgess     | Yes |
|       | Mr. Ronald Coleman   | Yes |
|       | Mrs. Beverley Dalton | Yes |
|       | Mr. Bill Ferguson    | Yes |
|       | Mr. Jay Higginbotham | Yes |
|       | Mr. Mike Mattox      | Yes |

4. Mayor Burgess asked if there were any questions regarding the minutes.

A motion was made by Mr. Coleman, seconded by Mr. Ferguson, that the minutes of November 10, 2009 and November 24, 2009 be approved as presented.

Motion carried:

|       |                      |     |
|-------|----------------------|-----|
| VOTE: | Mr. J.R. Burgess     | Yes |
|       | Mr. Ronald Coleman   | Yes |
|       | Mrs. Beverley Dalton | Yes |
|       | Mr. Bill Ferguson    | Yes |

|                      |     |
|----------------------|-----|
| Mr. Jay Higginbotham | Yes |
| Mr. Mike Mattox      | Yes |

5. Mayor Burgess presented the invoices for the month of November and asked if there were any questions regarding the invoices.

6. Financial Statements

7. Public Comments

Mayor Burgess asked if anyone would like to speak that was not on the agenda. No one came forward.

8. Reports

- a. Committees

- i. Public Works Committee

Landscaping Contracts

Mr. Ferguson advised the Public Works Committee met in regard to issuance of a request for proposals and award of new landscaping contracts. For several years the Town has been working with two local businesses that have provided landscaping services on Town properties primarily on a year to year basis. Recently a RFP was issued and three local businesses submitted their qualifications and cost estimates. Based on this data, the Committee decided to break the landscaping services into two service areas, rather than the original three. Staff consulted with the two selected businesses and each submitted new quotes based on the selected service area. Mr. Ferguson stated based on this information the Committee would recommend that the Town utilize the services of Reedy Hill Gardens for Area #1 in the amount of \$4,906.00 and Greenleaf Plantscaping for Area #2 in the amount of \$6,367.00 for the period of January 1, 2010 to June 30, 2010. In addition both have provided quotes for the FY2011 (July 1, 2010 to June 30, 2011) for the same areas: Reedy Hill Gardens: \$5,922.00 and Greenleaf Plantscaping: \$11,117.00. These prices will be used in preparation of the FY2011 Budget. The Committee also recommends acceptance of the quotes for FY2011 as well with review during the budget process.

A motion was made by Mr. Ferguson, seconded by Mr. Mattox, to utilize the services of Reedy Hill Gardens for Area #1 in the amount of \$4,906.00 and Greenleaf Plantscaping for Area #2 in the amount of \$6,367.00 for the period of January 1, 2010 to June 30, 2010.

Motion carried:

|       |                      |     |
|-------|----------------------|-----|
| VOTE: | Mr. J.R. Burgess     | Yes |
|       | Mr. Ronald Coleman   | Yes |
|       | Mrs. Beverley Dalton | Yes |
|       | Mr. Bill Ferguson    | Yes |
|       | Mr. Jay Higginbotham | Yes |
|       | Mr. Mike Mattox      | Yes |

Citizen Request

Mr. Ferguson advised the Committee discussed the request of Mr. Willie Stump (10<sup>th</sup> Street) for utilization of Town property as a parking area. Mr. Stump was previously granted permission to have a garden on this same property. The property goes back to the old dam in the area of the Moseley Heights Elementary School. The Committee would recommend that Mr. Stump be granted use of this property with written agreement that

if the Town needs the property for any use then it has the right and there would be no reimbursement to Mr. Stump for any rock/gravel that he placed on the property.

A motion was made by Mr. Ferguson, seconded by Mr. Coleman, to grant Mr. Stump use of this property on 10<sup>th</sup> Street with a written agreement that if the Town needs the property for any use then it has the right and there would be no reimbursement to him for any rock/gravel that he places on the property.

Motion carried:

|       |                      |     |
|-------|----------------------|-----|
| VOTE: | Mr. J.R. Burgess     | Yes |
|       | Mr. Ronald Coleman   | Yes |
|       | Mrs. Beverley Dalton | Yes |
|       | Mr. Bill Ferguson    | Yes |
|       | Mr. Jay Higginbotham | Yes |
|       | Mr. Mike Mattox      | Yes |

Traffic Signal Improvements (7<sup>th</sup> and Broad Streets)

Mr. Ferguson advised the Committee recommends the Town utilize “Highway Funds” to make the improvements at the intersection of 7<sup>th</sup> Street and Broad Street in conjunction with the Downtown Streetscape project. In addition, the Committee recommends that walk/don’t walk pedestrian signals be installed at this intersection. The estimated cost, based on the previous intersection of 7<sup>th</sup> Street and Franklin Avenue, would be \$70,000.

Mr. Coggsdale mentioned the cost may be approximately \$80,000.

A motion was made by Mr. Ferguson, seconded by Mr. Coleman, to utilize “Highway Funds” for improvements to the intersection of 7<sup>th</sup> Street and Broad Street and for walk/don’t walk pedestrian signals at this same intersection.

Motion carried:

|       |                      |     |
|-------|----------------------|-----|
| VOTE: | Mr. J.R. Burgess     | Yes |
|       | Mr. Ronald Coleman   | Yes |
|       | Mrs. Beverley Dalton | Yes |
|       | Mr. Bill Ferguson    | Yes |
|       | Mr. Jay Higginbotham | Yes |
|       | Mr. Mike Mattox      | Yes |

ii. Uncle Billy’s Day Steering Committee

Mr. Ferguson advised the Altavista Fire Company is moving forward with the coordination of the 2010 Uncle Billy’s Day festival to be held on June 4<sup>th</sup> and 5<sup>th</sup>. Council approved the appropriation of \$20,000 for the coordination/implementation of the festival but deferred any action on the request for an “adult beverage area” in English Park and the closing of particular streets for the festival. The Steering Committee requests Council approve the request to have the “adult beverage area” at English Park on Saturday night in accordance with last year. In addition, the Committee requests the streets impacted by the festival be closed at 12:00 (noon) on Friday, June 4<sup>th</sup> and reopened by 6:00 p.m. on Saturday, June 5<sup>th</sup>. The streets include 7<sup>th</sup> Street between Broad Street and Franklin Avenue; Pittsylvania Avenue from 7<sup>th</sup> Street to the alley/entrance to Vista Foods; and Campbell Avenue from the Town Hall parking lot (rear entrance) to the alley half way between 7<sup>th</sup> Street and Main Street.

Mayor Burgess questioned if there were any complaints from merchants in regard to the street closings at last year’s festival.

Mr. Ferguson stated he received mostly positive comments.

A motion was made by Mr. Ferguson, seconded by Mr. Coleman to close streets impacted by the festival at 12:00 (noon) on Friday, June 4<sup>th</sup> and reopen by 6:00 p.m. on Saturday, June 5<sup>th</sup>.

Motion carried:

|       |                      |     |
|-------|----------------------|-----|
| VOTE: | Mr. J.R. Burgess     | Yes |
|       | Mr. Ronald Coleman   | Yes |
|       | Mrs. Beverley Dalton | Yes |
|       | Mr. Bill Ferguson    | Yes |
|       | Mr. Jay Higginbotham | Yes |
|       | Mr. Mike Mattox      | Yes |

Mr. Mattox spoke in opposition of the adult beverage area at English Park during the Uncle Billy’s Day Festival stating a town sponsored event should not be serving alcohol.

Mr. Ferguson asked Captain Walsh’s opinion of the “adult beverage area”.

Captain Walsh stated there were fewer arrests than at previous festivals and less trouble based on the way it was organized.

A motion was made by Mr. Ferguson, seconded by Mrs. Dalton, to approve the request to have the “adult beverage area” at English Park on Saturday night from 4:00 to 9:00 p.m. in accordance with last year’s plan.

Motion carried:

|       |                      |     |
|-------|----------------------|-----|
| VOTE: | Mr. J.R. Burgess     | Yes |
|       | Mr. Ronald Coleman   | Yes |
|       | Mrs. Beverley Dalton | Yes |
|       | Mr. Bill Ferguson    | Yes |
|       | Mr. Jay Higginbotham | Yes |
|       | Mr. Mike Mattox      | No  |

b. Other

i. AOT Report, Jo Kelley, Altavista On Track

Mrs. Jo Kelley, Director of Altavista On Track, gave Council an update on the events sponsored by them and mentioned the third annual Giblet Jog held on Thanksgiving Day was a huge success with 197 participants. Mrs. Kelley advised Council of a request to hold a monthly car show in the downtown central business district area beginning in April and running through October. This would require the closing of Broad and Seventh Street to the Altavista Area YMCA. Mrs. Kelley mentioned this event would have a great economic impact for the downtown merchants and restaurants.

Mayor Burgess referred this request to Mr. Ferguson, Chief Hamilton and the Public Works Department.

9. Unfinished Business

a. Presentation of Draft Comprehensive Plan Update

Mr. Coggsdale presented Council with a draft copy of the Comprehensive Plan.

Chairperson Audrey Powell told Council she hoped they would find this plan informative and useful. She pointed out to Council members several maps in the draft copy needing attention and would be improved in the final document.

Mayor Burgess asked Council to review the draft Comprehensive Plan.

b. Presentation of WWTP Bioremediation Report

Mr. Coggsdale referred to the WWTP Bioremediation Report provided to Council. Mr. Coggsdale mentioned this report was presented to Mr. Andy Kassoff, EEE Consulting, with his response included.

Mr. Higginbotham requested the report be forwarded to AMEC for their review stating he was encouraged from the report and the opportunity to work with the University of Maryland. Mr. Higginbotham felt a mechanism needs to be looked into that would allow Mother Nature to help remediate the PCBs. This would be the greenest, most intelligent way to resolve it.

Mr. Ferguson mentioned each meeting in regard to bioremediation; Council has been told something must be done quickly and felt delaying the removal might be costly to the taxpayers.

Mayor Burgess questioned how long EPA would allow the Town to stall.

Mrs. Dalton suggested sharing the results of the recent study with VRP and seeking some advice.

Mr. Higginbotham suggested sharing the report with Mr. Harold Thurston, AMEC and ask his thoughts.

Mr. Mattox asked for a cost estimate for this report to be reviewed.

Mr. Higginbotham stated the study shows there is some natural viral revitalization and the question is, can they do a study to boost it along.

Mr. Coggsdale suggested contacting Mr. Anderson with DEQ, discuss the report with him and get his opinion.

Mrs. Dalton felt EPA should be kept informed along the way and Council needs to make an informed, scientific decision about this and in order to do so, Council needs to seek help.

Mr. Coggsdale stated he would consult with Mr. Mead Anderson, DEQ, regarding this situation.

c. Presentation of Route 29 Utility Feasibility Study

Mr. Coggsdale presented Council with the results of the Route 29 Utility Feasibility Study and asked them to review.

d. Property Maintenance Ordinance Consideration

Mr. Coggsdale advised at Council's September 2009 meeting, a recommendation was brought forward from the Property Maintenance Committee regarding possible ordinance amendments to assist with derelict buildings. Council decided at that meeting to consult with Campbell County about the roles they may have to fill in regard to the implementation of the proposed ordinance prior to scheduling a public hearing. Staff has discussed this issue with Campbell County staff and the Property Maintenance Committee has met again with the updated amendments. The Committee recommends moving forward with a public hearing in regard to the proposed ordinance.

A motion was made by Mr. Mattox, seconded by Mrs. Dalton, to schedule a public hearing for January 12, 2010 to receive public comment on the proposed property maintenance ordinance amendments.

Motion carried:

|       |                      |     |
|-------|----------------------|-----|
| VOTE: | Mr. J.R. Burgess     | Yes |
|       | Mr. Ronald Coleman   | Yes |
|       | Mrs. Beverley Dalton | Yes |
|       | Mr. Bill Ferguson    | Yes |
|       | Mr. Jay Higginbotham | Yes |
|       | Mr. Mike Mattox      | Yes |

10. New Business

a. Planning Commission Appointment

b. Zoning Ordinance Update

Mr. Coggsdale advised staff is looking at the Zoning Ordinance Update. Staff is in the process of issuing some request for proposals. Funding for this process is included in the 2010 budget.

Mr. Witt advised Chairperson Powell has requested Mr. Jerry Barbee and Mr. Tim Wagner, Planning Commission be on a committee to review and screen proposals received. Mr. Witt also asked that a Council member be appointed on the committee.

Mr. Ferguson and Mr. Coleman agreed to serve on the committee.

c. Noise Ordinance Amendment

Mr. Coggsdale advised in late April of this year, the Supreme Court of Virginia handed down the decision of Tanner v. City of Virginia Beach in which a noise ordinance similar to our noise ordinance was struck down as too vague. The Town Attorney has conferred with the Police Department to determine the best avenue in regard to enforcement of a new noise ordinance. The draft ordinance presented to Council is the direction staff would desire to move. Staff would ask the draft ordinance be referred to the appropriate committee for review and recommendation.

Mayor Burgess referred the noise ordinance review to the Legislative Committee.

11. Town Manager's Report

Mr. Coggsdale recognized and congratulated Sgt. J.T. Younger, Altavista Police Department, for five years of service with the Town of Altavista.

a. Project Updates

VDOT Enhancement Project and Downtown Utility Replacement Project

The Pre Construction meeting was held with J. Harman Saunders Construction Inc. (contractor) and VDOT representatives on Wednesday, December 2<sup>nd</sup>. The Notice to Proceed date will be January 4, 2010 with a 270 day completion time period.

Community Development Block Grant

Façade contracts are being signed by the building owners, the Town and the contractor. There are a total of four contractors.

The Gateway Park Design is being reviewed by Norfolk Southern Railroad and DHCD. The Town Council approved the drawings at last month's meeting. Staff continues to work with Norfolk Southern in regard to the property at the lower end of Broad Street.

The Project Management Team continues with their monthly meetings.

McMinnis Spring Water Supply Line Project

Issue has been addressed and should be back on track this week. The contractor has 120 days (February 2, 2010) to complete the project.

Staunton River Memorial Library

Louvers and pressure washing the tower has begun. Mr. Coggsdale mentioned the areas that were re-caulked on the library roof did not stop the leak.

Lola Avenue Storm water project

Project is complete.

Comprehensive Plan Update

Addressed previously in meeting.

Public Transportation Feasibility Study

Staff will met with DRPT officials on Monday, December 7<sup>th</sup> in regard to a funding application.

School Street Park Improvements

Conceptual design has been received and the Recreation Committee will meet on Thursday, December 10<sup>th</sup>.

b. Reports

i. Departmental

Mr. Mattox commended the Police Department on their monthly report and the information contained within.

ii. Other

c. Other Items as Necessary

d. Informational Items

12. Matters from Town Council Members

Mr. Mattox questioned how the web page was coming along.

Mr. Coggsdale stated he was working on this matter.

13. Closed Session

A motion was made by Mr. Coleman, seconded by Mrs. Dalton, that the Altavista Town Council convene in closed session in accordance with the provisions set out in the *Code of Virginia*, 1950 as amended,

Section 2.2-3711 (A)(1) regarding discussion, consideration, or interviews of prospective candidates for appointment to the Economical Development Authority

Section 2.2-3711 (A)(3) regarding discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body

Motion carried:

|       |                      |     |
|-------|----------------------|-----|
| VOTE: | Mr. J.R. Burgess     | Yes |
|       | Mr. Ronald Coleman   | Yes |
|       | Mrs. Beverley Dalton | Yes |
|       | Mr. Bill Ferguson    | Yes |

|                      |     |
|----------------------|-----|
| Mr. Jay Higginbotham | Yes |
| Mr. Mike Mattox      | Yes |

Council went into closed session at 8:22 P.M.

Notice was given that Council was back in regular session 9:12 P.M.

FOLLOWING CLOSED SESSION:

A motion was made by Mr. Higginbotham, seconded by Mr. Mattox, to adopt the certification of a closed meeting.

CERTIFICATION OF CLOSED MEETING

WHEREAS, the town council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the town council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the town council hereby certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the town council.

Motion carried:

|       |                      |     |
|-------|----------------------|-----|
| VOTE: | Mr. J.R. Burgess     | Yes |
|       | Mr. Ronald Coleman   | Yes |
|       | Mrs. Beverley Dalton | Yes |
|       | Mr. Bill Ferguson    | Yes |
|       | Mr. Jay Higginbotham | Yes |
|       | Mr. Mike Mattox      | Yes |

Mayor Burgess stated that he is for the purchase of the property but against any further studies being conducted on this property. There are existing studies regarding the environmental assessment of this property.

A motion was made by Mrs. Dalton, seconded by Mr. Coleman, that the Town purchase the 26.94 acre parcel (TPIN 69-A-42/PT OF 69-A-43) owned by M&W Land Co, LLC for \$375,000 on the terms contained in the Land Purchase and Sales Agreement tendered by M&W with the following changes:

- 1. Closing period increased from 45 days to 90 days
- 2. Add a provision to the contract allowing the town to remove borrow material from the adjacent VTI, Inc site and specify the quantity of material and location of the removal areas.

When these changes are added the Town Manager and Mayor are authorized to execute the sale contract."

Motion carried:

|       |                      |     |
|-------|----------------------|-----|
| VOTE: | Mr. J.R. Burgess     | Yes |
|       | Mr. Ronald Coleman   | Yes |
|       | Mrs. Beverley Dalton | Yes |
|       | Mr. Bill Ferguson    | Yes |
|       | Mr. Jay Higginbotham | Yes |
|       | Mr. Mike Mattox      | Yes |



REGULAR COUNCIL MEETING DECEMBER 8, 2009

Mayor Burgess asked if there was anything else to bring before Council.

The meeting was adjourned at 9:15 p.m.

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J. R. Burgess, Mayor

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W. Morgan Allen, Jr., Clerk